

convert their public obligations into private contracts. Reading from the deed from the Chesapeake and Ohio to the William R. Trigg company, he showed that in addition to the public duty, it was required that water be supplied to the dock.

Saying that he represented S. H. Haves & Co., as well as the Chamber of Commerce, Judge George L. Christian, who had been in the public firm, he contended that existing contracts could not be carried out if the dock were closed.

Explaining the contracts, Mr. Taylor said the Chesapeake and Ohio had not been satisfied with the protection of the public easement, for that could be removed by the Legislature at any time, and, therefore, preserved the duties in private control. He argued that courts must simply maintain contracts, they cannot undo the reasonableness or unreasonableness of them.

Epaphunt, replying for the bondholders' committee, argued that the dock does not affect freight rates at all—that it is the river which does that. This proposition, he said, was demonstrated by the action of the Chesapeake and Ohio in opposing the closing of the dock. There was no attempt made here, he said, to evade the contract rights, if any such exist. The court, and not the Legislature, pass on contract matters, and in this case the commission was sitting as a legislative body. He, therefore, asked that the motion be overruled, and that the dock be closed subject to the arrangement of contractual rights in the courts of the Commonwealth.

Commissioner Rhen asked about the appeal and Mr. Hutton thought there was no appeal in this instance, special power for one purpose having been delegated to the commission by the Legislature.

Richard Evelyn Byrd, speaking next, emphasized the same argument. He called attention to the fact that the act under which the proceedings are held recognizes private contracts, which are protected by the Constitution and laws of the State.

Inasmuch, said Judge Crump in response, as the "amiable, discreet, far-seeing" Mr. Bradley had succeeded in delegating the power to the commission, this was an effort to get at the violation of contracts by withdrawing the dock from public use. Repeating a remark made by Commissioner Prentiss the preceding day, that this is not a matter of law, but is one of public policy, Judge Crump asked if such a course would be public policy.

Mr. Taylor, in closing the argument for his dismissal motion, said that there could be an appeal from the commission, in his judgment.

This ended two hours of able legal debate from some of the State's foremost lawyers. The commission retired for a short conference.

Decided to Proceed. Upon its return Chairman Prentiss announced that the body regarded the point raised as vitally important—perhaps decisive of the case. He was not prepared to say that the commission had decided it, but a majority of the body had determined that the hearing should proceed, reserving a decision.

John C. Freeman, whose examination

in chief was completed Wednesday, resumed the stand for cross-examination. Replying to questions asked by Mr. Byrd, he stated in his opinion the Chesapeake and Ohio viaduct obstructs the dock to a considerable extent. He believed it would discourage appropriations from Congress to add that the dock had been closed. He admitted that nothing was more discouraging than the present appearance of the institution, and he would not be surprised, he said, if the number of vessels coming into it should decrease.

Richmond Is Loser. Asked how he had formed his opinion regarding the dock while saying that he had no intimate knowledge of it, Mr. Freeman said that in his independent Richmond has lost commerce to places which are provided with better facilities. Mr. Byrd asked him why, if the public is interested in the dock, it doesn't use it, and he responded that use was based on cost. The attorney was not satisfied with this, calling it an obvious general proposition, and repeating his query. Mr. Freeman then said that he does not today consider the dock as of any great importance.

Mr. Byrd read a statement showing the outgoing freight in a year which Mr. Freeman said he supposed one good-sized carry. Mr. Byrd knew of no obstructions placed in the dock under the ownership of the bondholders. Under re-examination by Judge Christian, Mr. Freeman said there was some distance between the viaduct pillars, and that he had heard no complaint about interference from them.

Mr. Curtis Testifies. Captain John A. Curtis, harbor-master of Richmond, was next introduced. He thought the dock valuable to the city, and believed if it were closed a large portion of the water-borne freight business of Richmond would be lost. He feared competition, for railroads would be eliminated. Captain Curtis went into detail about the handling of vessels in the dock, where dies do not affect the water, and where no ordinary freight can enter.

He feared no competition for the dock from the new city wharves, but on the contrary believed the dock would be helped in the volume of business.

Congress, he believed, would be unfavorably affected by the closing of the dock, as it gets its reports from engineers on the ground. He told of a lumber company whose business has been saved through use of the river.

Here adjournment was taken, Captain Curtis resuming the stand at the afternoon session.

How Bill Was Passed. He said the wharf would not furnish sufficient berth facilities, without which it was difficult to get appropriations. Then Judge Christian began his questioning on the passage of the bill through the Legislature.

"Are you a member of the House of Delegates of Virginia from Richmond?" he asked.

"Yes," replied the witness.

Mr. Bradley stated on the stand that he explained to you during the session the bill under this hearing is held. Please state what occurred.

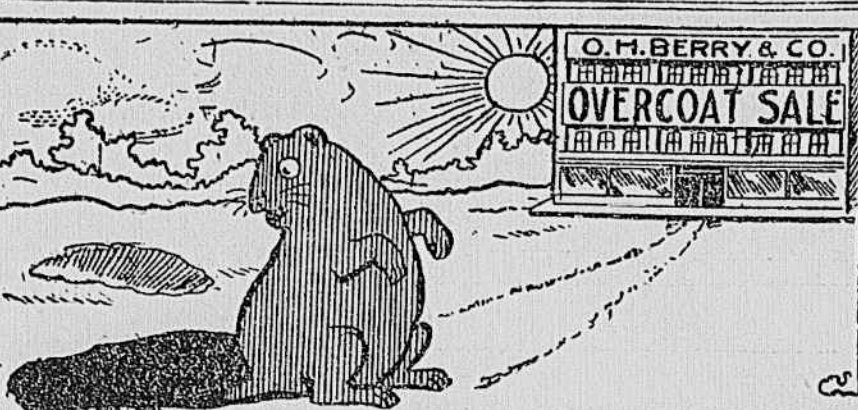
"That bill was introduced in the House of February 18," responded Captain Curtis. "It was reported favorably from the committee on Roads on February 28. I at once caught it on the calendar, and, noting the words 'dick' and 'ward,' I sent a note regarding it to the firm of Munford, Hutton, Williams & Anderson. My impression was that the Trigg basin was involved. The reply of the firm was that they knew nothing about the bill, and the measure was printed and I read it to the firm of Munford, Hutton, Williams & Anderson, and the Portsmouth member, and had the bill passed by from day to day for a week.

"I asked Mr. Toney, the patron, what it was, and he said he didn't know, Mr. Cox, a member from this city, told me there was nothing in it. I asked him how he knew this, and he said Mr. Toney had told him so. Then I asked Mr. Cox who had told Mr. Toney, and he said Mr. Bradley had done so.

"Learning that Mr. Bradley was then in the lobby, I went out to him and asked about the bill. He told me it was intended to fill up the dock between Fourteenth and Seventeenth Streets. I was anxious to see this part filled up, as I cannot be used. I told Mr. Bradley that I had made a mistake in not seeing him at first.

"Still not satisfied, I sent a note to L. M. Williams, of the bondholders, and to L. M. Williams. I got word that Mr. Beniss would be up to see me. He came to the Capitol in a few minutes. I asked him about the bill, and he said he had never seen it before, but there was no harm in it.

"Get Further Advice. Then I telephoned Warner Moore, who came up to the House. I gave him the bill, and he sat down and read it. He said he didn't think there was any



The Ground Hog Saw His Shadow!

Forty Days More of Severe Winter Weather

This fact enhances the attractiveness of our

Sale of Fine Overcoats

Every man in Virginia can find an interesting Overcoat proposition here this week. Listen—

\$50 Overcoats at	\$35.85
\$38 and \$35 Overcoats this week	\$22.85
\$28 and \$25 Overcoats this week	\$17.85
\$20 and \$18 Overcoats this week	\$12.85
\$15 and \$16 Overcoats this week	\$9.85

Fur Coats accordingly reduced.
Men's fine Suits same way.

O. H. Berry & Co.

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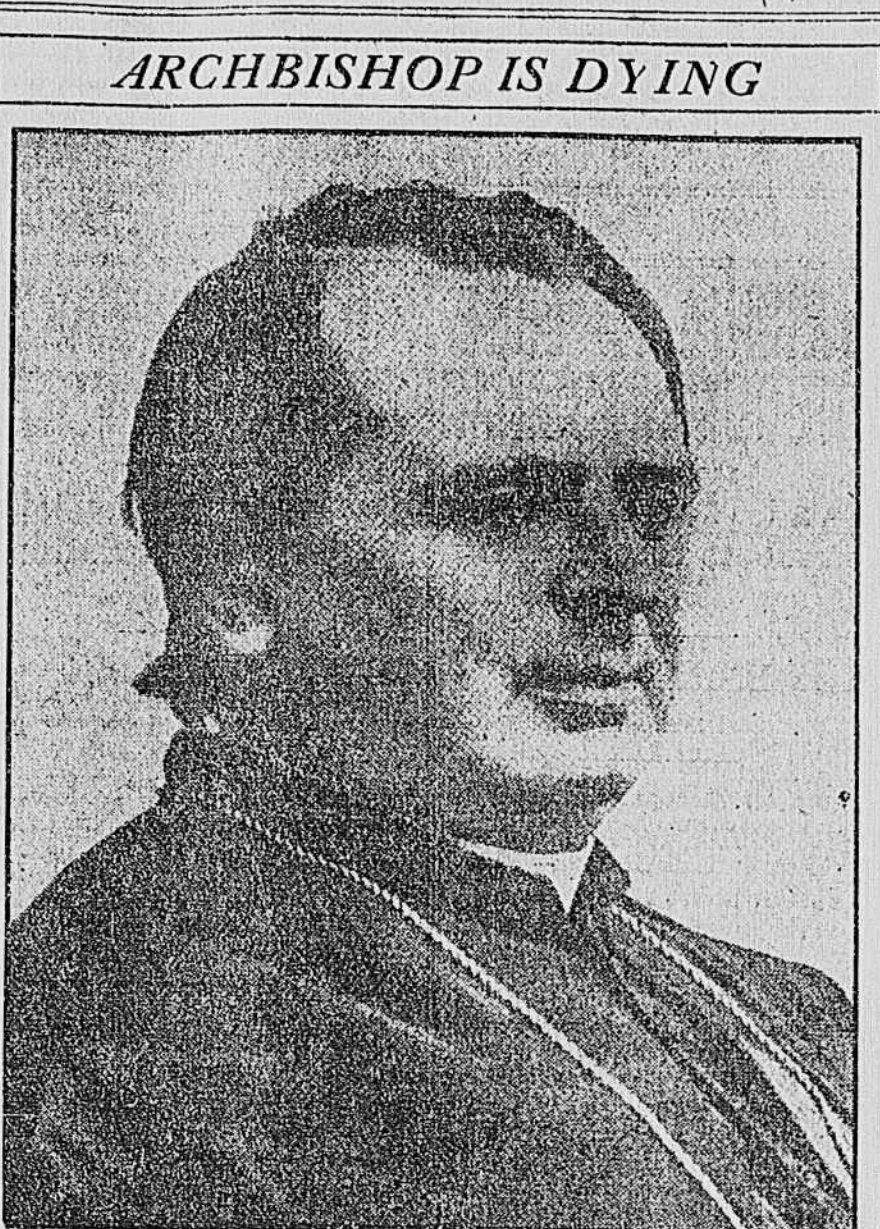
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ARCHBISHOP IS DYING

Philadelphia, Pa., February 2.—Archbishop Ryan was in a comatose condition at midnight, and the physicians at his bedside reported that his pulse was weaker than at any time since he became ill. They stated that he might not survive the night.

Earlier in the evening the aged prelate had roused himself and insisted on dictating a cablegram to the Pope in reply to one that had been received from Rome. He expressed his gratitude to the Pope for his paternal interest and asked the Holy Father to pray for him.

was at a time connected with crossing a river—not a dock.

"What is your opinion," asked Judge Christian, "as to the filling up of the dock?"

"I know that the representative people," he replied, "are apparently opposed to it, but personally I have another reason. There has always been a hope in my mind that another concern, a successor to the Trigg Company, would establish some great industry on this site, and thus help in the rebuilding of Richmond."

Senator Folkes said in conclusion on that he believed it would be a step backward for the dock to be filled. He thought it would be foolish to ask Congress to improve the harbor, when the city had destroyed part of it.

Another Member Talks. C. W. Throckmorton, member of the House from Henrico, was called. He was chairman of the House Committee on Roads, which reported the bill. He said his impressions were that either Mr. Bradley or Mr. Toney talked with him about it, and he had the idea that some public easement was to be relieved from a private property, so as to develop it. The property was supposed to have been in Manchester, where it went. At least, he had the impression that the public would not suffer. He never thought of the Richmond dock, and had he known it was involved, would have consulted the Richmond dock.

The last witness of the day was R. A. Dunlop, for twenty years secretary of the Chamber of Commerce. He believed the dock to be a distinct advantage to the city. It is destined to be the most important part of the harbor, he thought, if the maritime trade grows as to develop it. In his opinion it should be enlarged, as contemplated by the chamber, not only by larger locks, but by deepening the channel.

The Chamber Meeting. Mr. Dunlop was questioned regarding the meeting when the resolutions were adopted opposing the abandonment of the dock. He said it was a meeting of the board of directors, a body which has full power between the regular meetings of the chamber; the James River improvement committee, the outward trade committee, the inland trade committee, the Mayor, the City Attorney and the business men abutting on the dock. He thought from twenty-five to thirty-five were present.

H. W. Rountree was the only member he has heard favor the closing of the dock, and has lately changed his opinion.

Mr. Dunlop agreed with Mr. Hutton, on cross-examination, that the competition between the dock and the wharves would be the difference between wharfage and drayage. He said the business of the dock was a very considerable portion of the commerce of the city. He thought if the dock were closed the city would have no standing before the Rivers and Harbors Committee in Congress.

This concluded his examination, and adjournment was taken to this morning.

AGED MAN ATTEMPTS SUICIDE. Prevented From Being Successful by Arrival of Police.

[Special to The Times-Dispatch.] Decatur, Ga., February 2.—Markel, an aged white man, attempted suicide here yesterday afternoon at his home on the Northside, but was prevented from being successful by the arrival of the police. Markel, it is alleged, was in an intoxicated condition, was abusing his family, which necessitated their seeking police aid. When the officer reached the house Markel met him at the door, and as he did so pulled out a pocket-knife and slashed his throat, and was only prevented from repeating the act when the knife was taken from him by the officer. He will recover.

DESPERADO ARRESTED WITHOUT BLOODSHED

[Special to The Times-Dispatch.] Woodstock, Va., February 2.—James M. Dawson, of M. Jackson, who bartered himself in his house and deced murder his wife, was arrested last night. His brother, Charles Dawson, went to the house and talked to Dawson. While this was being done, others got in the house and took the gun away. He was then arrested by Deputy Sheriff Slater, and brought to this place and lodged in jail.

Knocked Down by Car No. 555. Automobile No. 555 knocked down a man named Reinhardt at Bolvidere and Main

BALE APPEARED IN NEWPORT NEWS

Two Warrants Charged Him With Swindling Richmond People.

Acting Detective Atkinson left yesterday afternoon for Newport News to bring to this city S. M. Ball, charged with having obtained money under false pretenses. The officer carries two warrants, one from P. E. Taylor, 609 South Laurel Street, and the other from August Slewert, 508 Federal Street. Both men claim that they were swindled out of \$20. After his arrest in Newport News yesterday, Ball sent a telegram to Taylor saying that his samples had been shipped according to contract and asking that the charges be withdrawn.

Ball, who says that he is the representative of George G. Gowers Company, of Philadelphia, took a room in Murphy's Hotel and advertised for salesmen to handle a line of books the company is getting out. There were a number of applications, as his proposition looked good. Taylor and Slewert signed contracts. They were then required to deposit \$20 each with the agent.

Later, Taylor made complaint to the police and caused the arrest of J. J. Crandall, who strongly resembled the man believed to have swindled him. Crandall, however, was released, on account of mistaken identity, and was released. The appearance of an advertisement in one of the Newport News papers, similar to the one used here, led to the arrest of Ball there. The police believe that besides Taylor and Slewert there are a number of others here who have been victimized by the scheme.

Detectives Atkinson succeeded in catching a freight train from Newport News last night and arrived in the city this morning. Before Ball received word from Taylor, he had been long distance telephone call over long distance telephone call. Nothing had been received all right. Ball will be tried on the warrants in Police Court today. He says that he was once arrested in Washington on the same charge, but was acquitted.

CHARTERS ISSUED

Charters were issued yesterday by the State Board of Commerce to the following concerns:

The Grand Chapter of the Grand Union A. O. U. W. of the City of Richmond, Va., president, John R. Green, secretary, Vincent Tabb, treasurer, all of Cape Charles, Va. Objects: Fraternal benevolent association.

Public Securities Company (Inc.), Richmond, Va. president, J. D. Lawrence, vice-president, P. B. Moore, secretary and treasurer, all of Richmond, Va. Objects: To purchase, sell, and lease real estate, and to engage in any business which may be deemed to be in the interest of the public.

Richmond Beer Company (Inc.), Richmond, Va. president, George A. Bolling, vice-president, Alexander Hagen, secretary, W. H. Moore, treasurer, all of Richmond, Va. Objects: To manufacture and sell beer.

An amendment was issued to the charter of the Washington Riding Company (Inc.), of Alexandria, increasing the maximum capital stock from \$100,000 to \$125,000.

An amendment was issued to the charter of the Thomas & Fretwell Drug Company (Inc.), of Danville, changing its name to Thomas Drug Company (Inc.).

A license was issued to Virginia was issued to the Monarch Coal Company, a corporation organized and existing under the laws of the State of Virginia, to mine coal in the county of Lee, Va. Maximum capital authorized by charter, \$2,000. Objects: Coal mining business.

DEATHS

HARRISON—Died, at his residence, 1549 East Main Street, Thursday, February 2, 1911, at 6:25 A. M. MABLE HARRISON, widow of M. Harrison, in her seventy-sixth year. The interment will be at Bryn Mawr (Friday), 11:30 o'clock A. M.

LAWSON—Died, at his home, 505 St. James Street, Wednesday morning, 4:30 o'clock, February 1, 1911, M. ISAAC LAWSON, one of Richmond's foremost contractors. The interment will be at the Sixth Mt. Zion Baptist Church, Friday, February 3, at 1 o'clock. Friends are invited. His devoted wife, Mrs. ISAAC LAWSON.

PITTS—Died, Thursday, February 2, at 10:55 P. M., at the residence of her grandfather, John E. Carter, ESTHER PITTS, daughter of M. M. PITTS, aged five years and eight months. "Safe in the arms of Jesus."

SUBLETT—Died, at her residence, Third Avenue, Highland Park, Wednesday, February 1, at 6:05 P. M. MRS. VIRGINIA HALSEY SUBLETT, widow of the late George Burnett Sublett. Funeral from the residence Friday, February 3, at 3 P. M.

TERRY—Entered into rest, at Roanoke, Va., on Thursday afternoon, February 2, at 10 o'clock, GEORGE BETH BEVERLEY, eldest daughter of Elizabeth Beverley and J. Coles Terry, of Bent Mountain, Va.

WALLACE—Entered into rest, February 1, 1911, MARGARET WALLACE, for many years a faithful servant and friend of the family of Mrs. C. W. Winn. Her funeral will take place on Sunday, February 5, at 11 o'clock A. M. from the Sixth Mt. Zion Baptist Church.

WILDER—Died, Wednesday, February 1, 1911, 6:35 P. M. MRS. E. L. WILDER, well known teacher. Her funeral will take place at 2:15 P. M. on Friday, February 3, at 2 o'clock. Friends are invited. Her devoted husband, Mr. E. L. Wilder.

OBITUARY

Mrs. M. Harrison. Mrs. Mabel Harrison, widow of M. Harrison, died yesterday at her residence, 1449 East Main Street. She was in the seventy-sixth year of her age. The funeral will take place to-day from the residence at 3 o'clock.

Mrs. George Burnett Sublett. Mrs. Virginia Halsey Sublett, widow of George Burnett Sublett, died yesterday at her residence in Highland Park. The funeral will take place this afternoon at 3 o'clock.

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One Spoon of GOOD LUCK

The present high cost of living should make us stop and think.

ONE spoonful of

Good Luck goes as far as TWO of ordinary Baking Powder. Only one teaspoonful to a quart of flour.

Its purity is guaranteed under the Pure Food and Drugs Act, June 30, 1906, Serial No. 13026.

At your grocer's.

The Southern Manufacturing Company, Richmond, Va.

Wear Diamonds

And appear prosperous. It goes a long way. So many persons judge you by your appearance. We have just gotten in a large lot of Beautiful Diamonds. Come and see what bargains we have.

"THE DIAMOND STORE."

J. S. JAMES

Jeweler and Optician, SEVENTH AND MAIN STS. RELIABLE ACCOUNTS SOLICITED.

Don't Take Chances

with your advertising appropriation. Secure the services of an agency who has made a success for others. Advice and plans free.

Freeman Advertising Agency, Mutual Building, Richmond, - Virginia.

Sauers

THE BEST FLAVORING EXTRACT AT YOUR GROCERY

Knocked Down by Car No. 555. Automobile No. 555 knocked down a man named Reinhardt at Bolvidere and Main

PILES CURED IN 4 TO 14 DAYS. Your druggist will refund money if PAIN, BLOODING, or Itching fails to cure. Blind, Bleeding or Protruding Piles in 6-14 days. 100c.

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